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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,770	01/16/2004	Laymon Scott Humphries	09710-1208	6309

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2614

NOTIFICATION DATE	DELIVERY MODE
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06/26/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@verizon.com

Office Action Summary

Application No.

10/758,770

Applicant(s)

HUMPHRIES ET AL.

Examiner

Melur Ramakrishnaiah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4-7-05/6-19-06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 11, 21, 31-33, 34-36 are rejected under 35 U.S.C 102(b) as being anticipated by Tsujimoto et al. (US2002/0190896A1, hereinafter Tsujimoto).

Regarding claim 1, Tsujimoto a method of tracking a telemetry device over a wireless network, the method comprising: determining that the telemetry device is operating in a first mode requiring assisted Global Positioning System (A-GPS) data from wireless network to determine the location of the telemetry device (reads on for example 104, fig. 1), transmitting the A-GPS data to the telemetry device if the telemetry device is operating in the first mode, wherein telemetry device operates in a second mode to obtain GPS data autonomously for determining the location when telemetry device is outside of the coverage area of the wireless network (paragraphs: 0005, 0041-0042, 0065-0066; figs. 3-4).

Regarding claim 11, Tsujimoto discloses a system for tracking a telemetry device over a wireless network, the system comprising: an assisted Global Positioning System (A-GPS) server (108, fig. 1) configured to determine that the telemetry device (reads on for example 104, fig. 1) that the telemetry device is operating in a first mode requiring A-GPS data from the wireless network (108, fig. 1) to determine location of the telemetry device, and a messaging server in (108, fig. 1) configured to transmit A-GPS data to

telemetry device if the telemetry device is operating in the first mode, wherein telemetry device operates in a second mode to obtain GPS data autonomously for determining the location when the telemetry device is outside of the coverage area of the wireless network (paragraphs: 0005, 0041-0042, 0065-0066; figs. 3-4).

Regarding claim 21, Tsujimoto discloses a computer readable medium varying one or more sequences of one or more instructions for tracking a telemetry device over a wireless network, the one or more sequences of one or more instructions including instructions which, when executed by one or more processors, cause the one or more processors to perform the steps of: determining that the telemetry device (reads on for example 104, fig. 1) in a first mode requiring assisted Global Positioning System (A-GPS) data from the wireless network (108, fig. 1) to determine location of the telemetry device, and transmitting A-GPS data to the telemetry device if the telemetry device is operating in the first mode, wherein the telemetry device operates in a second mode to obtain GPS data autonomously for determining the location when the telemetry device is outside of the coverage area of the wireless network (paragraphs: 0005, 0041-0042, 0065-0066; figs. 3-4).

Regarding claim 31, Tsujimoto discloses a method for supporting tracking and management of an asset over a wireless network, the method comprising: determining location of an asset (reads on for example 104, fig. 1) when in a first mode of operation, and switching to a second mode of operation when asset is outside a coverage area of the wireless network to obtain assistance data for determining the location (paragraphs: 0005, 0041-0042, 0065-0066; figs. 3-4).

Regarding claim 34, Tsujimoto discloses an apparatus for supporting tracking and management of an asset over a wireless network, the apparatus comprising: means (108, fig. 1) for determining location information relating to location of the asset (reads on for example 104, fig. 1) when in a first mode of operation, and means for switching (reads on 312, fig. 3) to a second mode of operation when the asset is outside a coverage area of the wireless network to obtain assistance data for determining the location (paragraphs: 0005, 0041-0042, 0065-0066; figs. 3-4).

Regarding claims 32-33, 35-36, Tsujimoto further teaches the following: wireless network is a two-way paging system including Global Positioning System reference network (reads on 108, fig. 1), and the assistance data is assisted Global Positioning System (A-GPS) data derived from the GPS reference network, the apparatus further comprising: means in (108, fig. 1) for receiving the A-GPS data from a network operations center that manages the wireless network, location information is determined independently from NOC (paragraphs: 0005, 0041-0042, 0065-0066; figs. 3-4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 5-9, 12-13, 15-19, 22-23, 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsujimoto in view of Ladner et al. (US PAT: 6,331,825, hereinafter Ladner).

Tsujimoto differs from claims 2-3, 5-9 in that he does not specifically teach the following: transmitting a request message to the telemetry device requesting retrieval of data collected by the telemetry device according to a wireless protocol compatible with the paging system, and receiving a response message containing the data from the telemetry device in response to the request message, modifying a destination address field of the response message, and routing the response message according to the modified destination address, communicating with one of a client or an enterprise server over a data network to supply location of the telemetry device in support of fleet or asset management, maintaining user account information associated with the client or the enterprise, and storing configuration information of the telemetry device, generating a report for presentation to the client, the report relating to the tracking of the telemetry device, translating messages from the telemetry device according to communication protocol that is different from the wireless protocol and that is compatible with the client, telemetry device is affixed to an object including one of an asset and a vehicle, the method comprising: retrieving data about the object over the wireless network.

However, Ladner discloses mobile locator system which teaches the following: transmitting a request message to the telemetry device requesting retrieval of data collected by the telemetry device according to a wireless protocol compatible with the paging system, and receiving a response message containing the data from the telemetry device in response to the request message, modifying a destination address field of the response message, and routing the response message according to the modified destination address, communicating with one of a client or an enterprise server

Art Unit: 2614

over a data network to supply location of the telemetry device in support of fleet or asset management, maintaining user account information associated with the client or the enterprise, and storing configuration information of the telemetry device, generating a report for presentation to the client, the report relating to the tracking of the telemetry device, translating messages from the telemetry device according to communication protocol that is different from the wireless protocol and that is compatible with the client, telemetry device is affixed to an object including one of an asset and a vehicle, the method comprising: retrieving data about the object over the wireless network (abstract; fig. 1, col. 3 lines 20-65; col. 4 lines 28-39; col. 18, lines 39-44).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Tsujimoto's system to provide for the following: transmitting a request message to the telemetry device requesting retrieval of data collected by the telemetry device according to a wireless protocol compatible with the paging system, and receiving a response message containing the data from the telemetry device in response to the request message, modifying a destination address field of the response message, and routing the response message according to the modified destination address, communicating with one of a client or an enterprise server over a data network to supply location of the telemetry device in support of fleet or asset management, maintaining user account information associated with the client or the enterprise, and storing configuration information of the telemetry device, generating a report for presentation to the client, the report relating to the tracking of the telemetry device, translating messages from the telemetry device according to communication

Art Unit: 2614

protocol that is different from the wireless protocol and that is compatible with the client, telemetry device is affixed to an object including one of an asset and a vehicle, the method comprising: retrieving data about the object over the wireless network as this arrangement would provide required paraphernalia to track remotely and obtain telemetry data as taught by Ladner.

Claims 12-13, 15-19, 22-23, 25-29 are rejected on the same basis as claims 2-3, 5-9.

5. Claims 4, 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsujimoto in view of Ladner as applied to claims 2, 13, 25 above, and further in view of Jurgensen et al. (US PAT: 6,574,212, hereinafter Jurgensen).

The combination differs from claim 4 in that it does not specifically teach the following: request message specifies a response window indicating a time range for the telemetry device to respond to the request, the response window specifying offset value assigned to the telemetry device for transmitting the response message.

However, Jurgensen discloses transmission of random access bursts with at least one message part which teaches the following: request message specifies a response window indicating a time range for the mobile device to respond to the request, the response window specifying offset value assigned to the mobile device for transmitting the response message (figs. 6-7, col. 6, line 47 – col. 7, line 55).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: request message specifies a response window indicating a time range for the telemetry device

Art Unit: 2614

to respond to the request, the response window specifying offset value assigned to the telemetry device for transmitting the response message as this arrangement would facilitate smooth transmission of messages between systems as taught by Jurgensen, thus preventing contest for communication resources.

Claims 14 and 24 are rejected on the same basis as claim 4.

6. Claims 10, 20, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsujimoto in view of Krasner (US PAT: 6,133,874).

Tsujimoto differs from claim 10 in that he does not specifically teach the following: wireless network is portioned into a plurality of zones, one of the zones covering telemetry device, the method further comprising: collecting ephemeris data from a GPS reference network, and generating the A-GPS data on the collected ephemeris data from the zone.

However, Krasner discloses method and apparatus for acquiring satellite positioning system signals which teaches the following: wireless network is portioned into a plurality of zones, one of the zones covering telemetry device, the method further comprising: collecting ephemeris data from a GPS reference network, and generating the A-GPS data on the collected ephemeris data from the zone (figs. 4, 9; col. 11 lines 26-41; col. 12 lines 22-35).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Tsujimoto's system to provide for the following: wireless network is portioned into a plurality of zones, one of the zones covering telemetry device, the method further comprising: collecting ephemeris data from a GPS reference

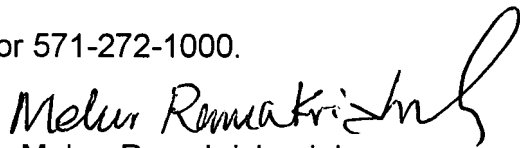
Art Unit: 2614

network, and generating the A-GPS data on the collected ephemeris data from the zone as this arrangement would provide, one of the methods, among many possible methods for refining location data desired for further use as taught by Krasner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2614